

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PEREZE COLLIER,

Petitioner,

ORDER

v.

09-cv-0221-slc

ROBERT SPODEN,
Rock County Sheriff,

Respondent.

Pereze Collier has filed an application for a writ of habeas corpus, alleging that he has been in custody in the Rock County Jail for more than one year awaiting trial on state charges. Pursuant to Rule 3 of the Rules Governing Section 2254 Cases¹, the petition must be accompanied by:

- (1) the five dollar (\$5) filing fee; OR
- (2) a motion for leave to proceed *in forma pauperis*, the affidavit required by 28 U.S.C. § 1915, and a certificate from the warden or other appropriate officer of the place of confinement showing the amount of money or securities that the petitioner has in any account in the institution.

Petitioner has not submitted either the filing fee or the paperwork necessary to support a determination that he is entitled to proceed without paying the filing fee.

¹Although the petition filed by petitioner falls under 28 U.S.C. § 2241 and not § 2254, Rule 1(b) provides that the court may apply the § 2254 rules to other types of habeas petitions.

A copy of a blank application for leave to proceed *in forma pauperis* is being mailed to petitioner with this order. Petitioner should complete it and return it to the court on or before May 1, 2009. Alternatively, petitioner must submit the \$5 filing fee. The court will take no further action on the petition until petitioner returns a completed application for leave to proceed *in forma pauperis* or submits the filing fee. If petitioner fails to make either of these submissions on or before May 1, 2009, the court will dismiss the petition for failure to prosecute.

Entered this 16th day of April, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge